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| 10/656,272 | 09/08/2003 | Hiroyuki Takahashi | 723-1425 | 7144 |

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| EXAMINER |
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WILLIAMS, ROSS A

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| ART UNIT | PAPER NUMBER |
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3714

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|------------|---------------|
| 3 MONTHS | 04/10/2007 | PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/656,272

Applicant(s)

TAKAHASHI ET AL.

Examiner

Ross A. Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/8/03, 11/24/03.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 4, 19 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims state the limitation of a "meet area": It is not clear in light of the claims as to what the "meet area" is referring too. Although the claims are interpreted in light of the specification, the limitations of the specification are not read into the claims. Clarification of the claims is needed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1 – 3, 5, 6, 9 – 18, 20, 21, 24 – 26, 28 – 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 6,626,756) in view of “Microsoft Golf 2001” written by Scott Steinberg on September 29, 2000 (hereinafter referred to as “Steinberg”).

Claims 1, 2, 5, 6, 9, 10, 12, 14 – 16, 17, 21, 24, 25, 29 – 31 and 34: Sugimoto discloses a golf video game system that allows a player to play a golf video game wherein the player must activate or press input switched on a game controller in order to start a cursor moving on a shot graph. Sugimoto states “The player has to push the push button switch PB8 of the controller as shown for example in FIG. 2(a), totally three times in order to make a shot. The first push operation corresponds to a starting operation of the shot, the second push operation corresponds to a power determination operation and the third push operation corresponds to a shot-timing determination operation. More specifically, the first push operation causes the cursor 28 to start moving in the leftward direction from the position of 0% at a constant velocity. The player watches the position of the cursor on the power gauge 25 and carries out the second push operation when the cursor reaches his desired position. In case where the player wishes to make a shot with the power of 80% for example, the second push operation is carried out when the cursor 28 reaches nearly the position of 80% on the power gauge 25. The movement power value of the shot is determined in this manner. After the completion of the second push operation, the cursor 28 reaches once the left-hand end of the power gauge 25 and then starts returning in the rightward direction (i.e., toward the position of 0%) as shown in FIG. 4 at a constant velocity. In this case, the cursor 28 moves beyond the position of 0% of the power gauge to the right-hand end

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thereof unless the player carries out the third push operation. The position of 0% of the power gauge 25 also shows an optimum timing for the shot (hereinafter also referred to as the "best timing point") as shown in FIG. 4. The player preferably carries out the third push operation when the cursor reaches the best timing point. In case where the third push operation is carried out when the cursor just reaches the best timing point, a ball is sent flying straight. In case where the third push operation is carried out after or before the cursor reaches the best timing point, a ball curves left or right to fly accordingly.

Three push operations carried out by the player make a single shot in this manner" (Sugimoto 9:46 – 10:14). Sugimoto does not explicitly disclose the use of a input received from the player activating a switch wherein the activation of the switch causes a second positioning determining mechanism to determine a first and second position on the golf game display gauge. However Steinberg discloses in a review of Microsoft Golf 2001 "For the initiate, an easy swing mode is proffered, allowing novices to set an aiming post on the player view or overhead map screen, then click and hold down the mouse button to have a meter determine the power of their swing. Intermediate players can opt for a classic two or three click method of handling, with the only difference from easy mode being the need to set the snap, which initiates straight shots, hooks, and slices. Whichever of the two standards systems you prefer to use, the computer picks the best club for the occasion, although it's no problem to change to a wood, iron or putter on the fly. Finally, for the pro, there's powerstroke mode, a tricky but so-called accurate simulation of an actual swing" Steinberg page 2 par 3). Thus, Steinberg discloses a gaming method in Microsoft Golf 2001 that reduces the amount of button inputs or activations of the button switches needed to causes the game to determine a

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golf hit by automatically determining the golf hit by the activation of an input button. The game itself uses a determining mechanisms to determine the power and ultimately the position of the cursor on the gauge, thus randomly determining the strength and accuracy of the shot the player makes.

It would be obvious to one of ordinary skill in the art to modify Sugimoto in view of Steinberg to provide an easy swing mode wherein the player may press a reduced amount of buttons and have the game itself determine the power and accuracy of the shot the player is attempting to make. Thus making the game easier to play for a novice game player. It would be obvious to further display this on the shot gauge to inform the user of the current status of the shot while it is being determined by the game.

Claim 3, 11, 18, 26: Sugimoto discloses that the possible range of the gauge depends on the respective club or type of club selected to be used (Sugimoto 9:32 – 40).

Claim 5, 13, 20, 28: The combination of Sugimoto and Steinberg provide a auto or easy swing mode wherein the player can choose to activate an input switch which provides the game with a mode wherein the game will automatically and randomly determine the shot distance and the accuracy of the shot as discussed above. The combination fails to explicitly disclose that the second positioning mechanism determines the second position according to a random number. However it would be obvious to one of ordinary skill in the art to provide the automatic distance setting of Microsoft Golf 2001 based upon a random number. Steinberg discloses that the game meter itself determines the position of the cursor and thus the power of the shot. By

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providing random determining means that depends upon a random number the game would be varied and thus even though the player is using the easy-swing mode they would not be certain of what type of shot the computer will make.

Claims 7, 8, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 6,626,756) in view of "Microsoft Golf 2001" written by Scott Steinberg on September 29, 2000 (hereinafter referred to as "Steinberg") and in view of Hot Shots Golf 2 game manual released Feb 29, 2000.

Claims 7, 8, 22 and 23: Sugimoto does not specifically disclose the use of input buttons to set the amount of spin that is applied to the golf ball to be hit. However, Hot Shots Golf 2 game manual discloses that a directional pad with at least four separate input switches wherein a player can choose to press to provide spin on the ball. The user can press "down" to put backspin on the ball and press "up" to put forward spin on the ball. The directional pad also allows the player to curve the ball to the left or right (Hot Shots Golf 2 manual page 7). It would be obvious to one of ordinary skill in the art to provide input buttons that allow the player to put spin on the ball is a plurality of directions. This would allow the golf game of Sugimoto to be closely modeled to imitate the actual game of golf thus enhancing the realism the player feels when playing the game.

Claims 32, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 6,626,756) in view of "Microsoft Golf 2001" written by Scott Steinberg on September 29, 2000 (hereinafter referred to as

“Steinberg”) and in view of Hot Shots Golf 2 game manual released Feb 29, 2000 in further view of Hot Shots Golf 2 Screenshots downloaded from www.ign.com.

Claims 32, 33, 35 and 36: Sugimoto does not specifically disclose a golf game wherein the tentative hit location of the ball is displayed on a circular shaped image or the determination of a final hit location that is modeled on a ball displayed on the display wherein the final hit location is displayed in accordance with the tentative hit location that was previously determined. However, Hot Shots Golf 2 screenshots (pages 1 and 2) teach the displaying of a circular shaped golf ball that has tentative locations that are of the shape of the directional pad. The user activates the direction pad to determine a tentative hit location of the ball. After the ball is hit, a red cross appears on the ball to display to the user the final hit location of the ball (Hot Shots Golf 2 screenshots pages 1 and 2). The final hit location is also determined according to where the cursor is positioned on the area of the cursor gauge

It would be obvious to one of ordinary skill in the art to modify Sugimoto in view Steinberg in view of Hot Shots Golf 2 manual in view of Hot Shots Golf 2 screenshots to provide a game wherein the tentative hit location and the final hit location is displayed and modeled upon the ball. This would provide the player with more information so that they can better determine which hit or type of club they need to use in order to proceed with the hit of the golf ball. A display of the final hit location would be useful to the play since they would be able to see the correlation between the various circumstances of the shot they made and the result upon the ball.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ross A. Williams whose telephone number is (571) 272-5911. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571) 272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Robert E. Pezzuto
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